

rity for the other instalments as they become due ; and if the property cannot be sold in parcels it may be sold entire, and the whole debt paid with rebate of interest for sums not due.

The method in this state of ascertaining the present value of an annuity for life, as adopted by the Court of Appeals, is to apply by analogy the Chancery rule for fixing the allowance to a woman in lieu of dower in lands sold under a decree.

Though the report of the Auditor may be in exact conformity with a preceding order, it is competent for the court to reject the report, and order another to be made upon different principles, or adopt any other mode of disposing of the case which justice may require.

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[The bill alleges that the complainant, having a common interest with the defendants, Robert H. Ayres, and Alethea, his wife, in certain lands, subject to dower of Mrs. Mary Ayres therein, at the request of said Robert and wife, assumed the payment to said Mary of \$240 annually, as a consideration for the relinquishment of her said dower interest; and that said Robert, in consideration thereof, bound himself to pay to complainant, annually, during the life of said Mary, the sum of \$120, being the share of said annuity which corresponded to the interest of said Robert and wife in the lands so disencumbered; and to secure the payment thereof, said Robert and wife executed a mortgage to complainant of that portion of said land allotted them in the division of the estate, dated 29th March, 1843, conditioned for the payment of said sum of \$120 during the natural life of said Mary; and prays for a sale of so much of the mortgaged property as may be necessary to pay said debt.

On the 30th April, 1849, a decree was passed for the sale of the land; and on the 23d of October the Auditor stated two accounts, to which defendants excepted, on the grounds :

1st. That only a *life estate* was conveyed in the mortgage to complainant.

2d. That the bill makes complaint only as to unpaid arrears, and not for the future dues of the annuity.

3d. That in estimating the present value of the annuity, the Chancery rule for commutation applies, and not the Northampton tables.